



19 DEC 2007

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In re Application of
ROBINSON et al.
Application No.: 10/577,124
PCT No.: PCT/GB04/04775
Int. Filing Date: 10 November 2004
Priority Date: 10 November 2003
Attorney Docket No.: 05794.00003
For: PROTEINS INVOLVED IN QUORUM
SENSING

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.182" dated 14 December 2007. Applicants request to change the name of the second inventor from Hannah Sue Rising to Hannah Sue Cook due to marriage. The \$400 petition fee has been submitted.

BACKGROUND

On 26 April 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; and an application data sheet.

On 06 March 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 01 May 2007, applicants filed an executed declaration of inventors and a statement from counsel (John P. Blasko) that "inventor Hannah Sue Rising has married and has adopted her husband's family name, Cook." In a decision dated 13 September 2007, applicants petition under 37 CFR 1.182 was dismissed without prejudice.

On 14 December 2007, applicants filed the present petition under 37 CFR 1.182.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants are requesting to change the name of the second inventor from Hannah Sue Rising to Hannah Sue Cook. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the second inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicants' submission included the authorization to charge Deposit Account No. 50-1943 for required fees. Based on this authorization, Deposit Account No. 50-1943 will be charged the requisite petition fee of \$400, satisfying the petition fee requirement. As for the affidavit requirement, applicants have submitted a "Statement of Inventor" (affidavit) regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Hannah Sue Cook as a result of marriage.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Hannah Sue Rising to Hannah Sue Cook is GRANTED.

Based on the above, the declaration filed 01 May 2007 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. of the letter marked to the attention of the Office of PCT Legal Administration.



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